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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,468	11/14/2003	Daniel G. Knierim	7054-US1	9147
7590	10/19/2005		EXAMINER	
Thomas F. Lenihan TEKTRONIX, INC. P.O. Box 500. M/S 50-LAW Beaverton, OR 97077-0001			NGUYEN, HAI L	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,468

Applicant(s)

KNIERIM ET AL.

Examiner

Hai L. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-27 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment received on 8/08/2005 has been reviewed and considered with the following results:

As to the objection to the drawings, Applicant's revision of the drawings has overcome the objection, as such; the objection has been withdrawn.

As to the objection to claim 4, Applicant's amendment has overcome the objection, as such; the objection has been withdrawn.

As to the rejection to claims 4-27, under 35 U.S.C. 112, 2nd paragraph, Applicant's amendments of the claims have overcome the rejections, as such; the rejections of claims 4-27 have been withdrawn.

As to the prior art rejections to claims 4-27, Applicant's amendment has overcome the prior art rejections, as such; the prior art rejections have been withdrawn.

The prior art rejections to claims 1-3 made in the previous Office Action mailed on 5/6/2005 are now withdrawn in view of Applicant's amendments. However, Applicant's amendments necessitated a new ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Patana (US 6,707,855).

With regard to claim 1, Patana discloses in Figs. 1-6 an inherent method, comprising a step of dividing an oscillating signal (30) having a first frequency according to a sequence of at least three distinct divide ratios to produce a divided signal having a frequency approximating a reference signal frequency (12); and adapting the first frequency to reduce a phase difference between the divided signal and the reference signal, wherein a next value in the sequence of divide ratios is determined by accumulating an error between a present value in the sequence of divide ratios and an average value of the sequence of divide ratios, accumulating the accumulated errors, and selecting the next value in the sequence of divide ratios such that the multiply-accumulated error values are maintained within finite bounds.

With regard to claim 2, the method further comprises a step of filtering (22) a control signal to remove high-frequency phase noise prior to using the control signal for adapting the first frequency to reduce a phase difference between the divided signal and the reference signal.

With regard to claim 3, the multiply-accumulated error (228) is fed back to a first means (220) of at least two means for accumulating.

Allowable Subject Matter

4. Claims 4-27 are allowed.

The prior art of record fails to disclose or fairly suggest a phase-locked loop-type frequency synthesizer and a method of use thereof, as recited in claims 4 and 27, having specific structural limitations such as a modulator for providing said sequence of divide ratios wherein a

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next value in said sequence of divide ratios is provided by (a) accumulating an error between a present value in said sequence of divide ratios and an average value of said sequence of divide ratios, (b) accumulating the accumulated errors, and (c) selecting the next value in said sequence of divide ratios such that the multiply-accumulated error values are maintained within finite bounds, wherein said modulator comprises: a first accumulator for accumulating an error between a present value in said sequence of divide ratios and an average value of said sequence of divide ratios; a second accumulator for accumulating an error output of said first accumulator; and a feedback circuit having at least the error output from said first accumulator and an accumulated error output from said second accumulator as inputs for feeding back an accumulated error to the first accumulator for providing a next value in said sequence of divide ratios.

Claim 19 is allowed for similar reasons; note the above discussion with regard to claims 4 and 27.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

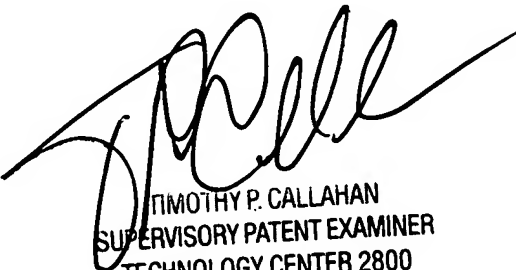
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai L. Nguyen whose telephone number is 571-272-1747 and Right Fax number is 571-273-1747. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The official fax phone number for the organization where this application or proceeding is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HLN 
October 16, 2005


TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800